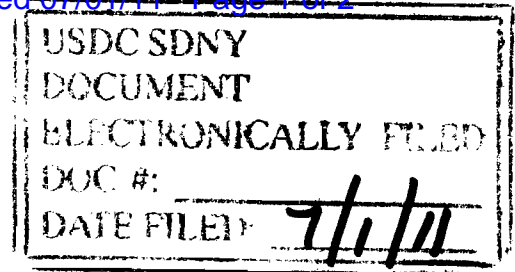


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x

MICROSOFT CORPORATION,

11 Civ. 02365 (RJH)

Plaintiff,

- against -

DATATERN, INC.,

Defendant.

----- x

SAP AG and SAP America, Inc.,

11 Civ. 02648 (RJH)

Plaintiff,

- against -

ORDER

DATATERN, INC.,

Defendant.

----- x

On June 28, 2011, a conference was held in this matter before the Hon. Richard J. Holwell, United States District Court for the Southern District of New York. Present before the Court were all parties represented by their attorneys.

The above-captioned actions involve common questions of law and fact. "A district court can consolidate related cases under Federal Rule of Civil Procedure 42(a) *sua sponte*." *Delvin v. Transp. Commc'ns Int'l Union*, 175 F.3d 121, 130 (2d Cir. 1999). Accordingly, it is hereby ORDERED that the above-captioned actions be consolidated for all purposes under the docket number of *Microsoft Corporation v. Datatarn, Inc.*, 11 Civ. 02365.

The Court also set the following briefing schedule:

1. Defendant to file motion to dismiss and/or to stay by July 15, 2011.
2. Plaintiffs to file opposition papers by August 5, 2011.
3. Defendant to file reply papers by August 15, 2011.

SO ORDERED

Dated: New York, New York
June 29, 2011

A handwritten signature in black ink, appearing to read 'R. J. Holwell', written over a horizontal line.

Richard J. Holwell
United States District Judge